

present not voting; passed the House, with amendment, on May 23, 2001, by a non-record vote.

Approved June 15, 2001.

Effective September 1, 2001.

CHAPTER 1278

S.B. No. 1767

AN ACT

relating to the issuance of a protective custody order by a magistrate.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsection (e), Section 574.021, Health and Safety Code, is amended to read as follows:

(e) The judge of the court in which the application is pending may designate a magistrate to issue protective custody orders, *including a magistrate appointed by the judge of another court if the magistrate has at least the qualifications required for a magistrate of the court in which the application is pending* ~~[in the judge's absence]~~. *A magistrate's duty under this section is in addition to the magistrate's duties prescribed by other law.*

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.

Passed the Senate on April 11, 2001: Yeas 29, Nays 0, one present not voting; and that the Senate concurred in House amendment on May 26, 2001: Yeas 30, Nays 0, one present not voting; passed the House, with amendment, on May 23, 2001: Yeas 145, Nays 0, two present not voting.

Approved June 15, 2001.

Effective June 15, 2001.

CHAPTER 1279

S.B. No. 1778

AN ACT

relating to the collection of costs in criminal cases.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Article 103.003, Code of Criminal Procedure, is amended by adding Subsection (c) to read as follows:

(c) *This article does not limit the authority of a commissioners court to contract with a private vendor or private attorney for the provision of collection services under Article 103.0031.*

SECTION 2. Article 103.0031, Code of Criminal Procedure, is amended to read as follows:
Art. 103.0031. COLLECTION CONTRACTS.

(a) The commissioners court of a county or the governing body of a municipality may enter into a contract with a *private attorney or a public or private vendor* for the provision of collection services for *debts and accounts receivable such as fines, fees, restitution, and other debts or costs, other than forfeited bonds*, ordered to be paid by a court serving the county or a court serving the municipality, as appropriate.

(b) *A commissioners court or governing body of a municipality that enters into a contract with a private attorney or private vendor under this article may authorize the addition of collection fees in the amount of 30 percent on each debt or account receivable that is more than 60 days past due and has been referred to the attorney or vendor for collection.*

(c) *A defendant is not liable for the collection fees authorized under Subsection (b) if the court of original jurisdiction has determined the defendant is indigent, or has insufficient resources or income, or is otherwise unable to pay all or part of the underlying fine or costs.*

(d) *If a private attorney or private vendor collects from a person owing costs ordered paid by the court an amount that is less than the total costs owed by the person, including collection costs permitted under the attorney's or vendor's contract with the commissioners court or governing body, the amount of costs collected otherwise required to be sent to the comptroller and the amount permitted to be retained by the county or municipality are reduced by an equal percentage in order to fully compensate the attorney or vendor, not to exceed the percentage specified as allowable collection costs in the attorney's or vendor's contract with the county or municipality.*

SECTION 3. Article 6701d-28, Revised Statutes, is repealed.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.

Passed the Senate on April 23, 2001: Yeas 29, Nays 0, one present not voting; and that the Senate concurred in House amendments on May 26, 2001: Yeas 30, Nays 0, one present not voting; passed the House, with amendments, on May 23, 2001: Yeas 136, Nays 1, five present not voting.

Approved June 15, 2001.

Effective June 15, 2001.

CHAPTER 1280

S.B. No. 1781

AN ACT

relating to the appointment of a public defender by the Commissioners Court of Potter County.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 26, Code of Criminal Procedure, is amended by adding Article 26.054 to read as follows:

Art. 26.054. PUBLIC DEFENDER IN POTTER COUNTY. (a) The Commissioners Court of Potter County may appoint an attorney to serve as a public defender. The public defender serves at the pleasure of the commissioners court.

(b) To be eligible for appointment as a public defender, a person must:

- (1) be a member of the State Bar of Texas;*
- (2) have practiced law for at least four years; and*
- (3) have experience in the practice of criminal law.*